No. 710. TEMPLETON *v.* CALIFORNIA. Appeal from the Supreme Court of California. November 17, 1941. *Per Curiam:* The motion to dismiss is granted and the appeal is dismissed because the record does not show that the federal question presented was necessarily passed on by the Supreme Court of California. *Herndon* v. *Lowry*, 301 U. S. 242, 247; *Honeyman* v. *Hanan*, 300 U. S. 14, 18; *Lynch* v. *New York ex rel. Pierson*, 293 U. S. 52. *Mr. Thos. D. Aitken* for appellant. *Mr. Earl Warren*, Attorney General of California, for appellee.